

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inukai (U.S. Patent Application No. 2002/0101395) in view of Bu (U.S. Patent Application No. 2002/0101172).

Also, the claims were rejected under 35 U.S.C. 112.

In connection with the Examiner's rejection of the claims, applicant has amended claim 1 to correct a typing error and to provide an additional change to more clearly define the present invention. Also, claim 4 has been canceled and claim 3 has been rewritten in independent form.

It is respectfully submitted that the new features of the present invention as defined in claims 1 and 3 clearly and patentably distinguish the present invention from the prior art.

The present invention deals with a driving circuit, in which the output current of the driver transistor which flowed through the OLED before the third transistor is switched on, is measured. Due to the fact that the current measurement system has a potential lower than the switching voltage of the

OLED, the OLED is switching off, so that the output current of the driver transistor (still equal to the previous OLED current) is now flowing through the measurement circuit.

In connection with the Examiner's rejection of the claims over the patent documents to Inukai and Bu, it is respectfully submitted that it is true that the third transistor in Inukai is connected to the input of the first transistor. This discharges the storage capacitor 308 in a well defined (always the same) driving status of the OLED driving transistor 306. The OLED current is then measured for this specific driving condition to detect changes of the OLED characteristic (i.e. the OLED current) due to OLED ageing or temperature changes. This measurement will not give any information about the characteristics of the OLED driver transistor 306 which is the focus of the invention disclosed in the present patent application.

Therefore, the essential difference between the present invention and the invention disclosed in the patent to Inukai is not the fact that Inukai did not mention some feedback of the voltage provided by the current sensing circuit but the fact that he is taping the input and not the output. This results in the fact that even considering the method disclosed by Bu (feedback of the voltage), he can only determine (and later compensate) the above mentioned variation of the OLED parameters, but not variations of the transistor input-output characteristic, which is the focus of the invention disclosed in the present application.

In contrast to the Examiner's opinion, the combined methods of Inukai and Bu will not result in a homogenous brightness if the transistor parameters are not homogenous (which is usually the case and which is to be circumvented by the invention disclosed in the present application). Such a compensation is only possible if all inhomogeneities are only caused by the OLED, but not by the variations of the driver transistor.

It should be clearly understood that neither Bu nor Inukai tap the input, which clearly means that they are unaware of the importance of taping the output for the compensation of transistor variations. This clearly shows that the new concept proposed in accordance with the present invention in the present application is not trivial or obvious to a person skilled in the art and thus underlines the value and importance of the present invention.

The Examiner rejected the claims over the Inukai and Bu references and stated that it would be obvious to arrive at the present invention from such combination. It is believed to be clear that the combination would not lead to applicant's invention unless the references are modified by including into them the above mentioned new features of the present invention which were first proposed by the applicant. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest, it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references did not contain any hint or suggestion for such modifications.

As explained herein above, the present invention also provides for the highly advantageous results which can not be accomplished by the solutions proposed in the references. It is well known that in order to support a valid rejection in the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case Ex parte Tanaka, Marushma and Takahashi (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicant's result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that the new features of the present invention which are defined in

claims 1 and 3 clearly and patentably distinguish the present invention from the prior art applied by the Examiner against the original claims.

Claim 3 additionally defines that all elements of the driving circuit are located at a same side of the light emitting diode, so that no contacts must be guided through a semiconductor material of the diode, which is a new feature of the present invention, additional to the features of claim 1 and patentable per se. Therefore, claim 3 should be considered as patentably distinguishing over the art also due to its additional features.

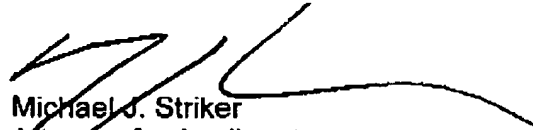
As for claim 2, this claim depend on claim 1, its share its presumably allowable features, and therefore it is respectfully submitted that it should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should

the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', is written over the typed name.

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